

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:

SAFETY-KLEEN CORP., et al.,  
Debtors.

Case No. 06-0354 (GMS)

**STATUS REPORT REGARDING CLAIM OF JOHN GIORDANO**

Pursuant to D. Del. L.R. 16.2(b), Oolenoy Valley Consulting LLC, as trustee of the Safety-Kleen Creditor Trust and counsel for claimant John R. Giordano ("Claimant") have conferred regarding each agenda item contained in the Court's April 13, 2007 Order and hereby provide the following joint status report:

**I. JURISDICTION AND SERVICE**

The Court has subject matter jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157(b)(6) and 1334. There are no issues regarding personal jurisdiction and no parties remain to be served.

**II. SUBSTANCE OF THE ACTION**

This is a contested matter arising out of the Chapter 11 bankruptcy cases of Safety-Kleen Corp. and its affiliated debtors (the "Debtors") pending in the United States Bankruptcy Court for the District of Delaware. By its motion filed September 11, 2006, the Trustee seeks an order pursuant to 11 U.S.C. § 502(c) estimating the value of Claimant's claim, No. 14882, pending in the case of Safety-Kleen Systems, Inc. By his claim, Claimant seeks a distribution from the Debtors' estates on account of personal injuries allegedly suffered as the result of an automobile accident that occurred on or about December 13, 1996.

### **III. IDENTIFICATION OF ISSUES**

The parties dispute the Debtors' liability for the injuries alleged by the Claimant. The parties also dispute the amount of Claimant's damages should liability be found.

### **IV. NARROWING OF THE ISSUES**

At this time, it does not appear that the issues can be narrowed by agreement or motion. However, as with any case, the issues in dispute may be narrowed through discovery and by decisions on dispositive motions.

### **V. RELIEF**

Claimant is seeking unspecified damages arising from the December 13, 1996 automobile accident. Damages, if any, would need to be determined by the Court.

### **VI. AMENDMENT OF PLEADINGS**

The parties do not currently anticipate any amendment to the pleadings and propose that a cut-off date of May 31, 2007 be placed in the Scheduling Order.

### **VII. JOINDER OF PARTIES**

The parties do not currently anticipate the joinder of any additional parties and propose that a cut-off date of May 31, 2007 be placed in the Scheduling Order.

### **VIII. DISCOVERY**

a. Trustee's Statement. The Trustee served written discovery requests directed to the issues raised in the Claimant's claim on December 1, 2006. To date, and despite the Trustee's request, Claimant has not responded.

b. Claimant's Statement. The Claimant intends to serve written discovery requests on the Trustee.

c. The parties agree that fact depositions should be limited to two per party with a limit of seven hours per deposition, subject to either party requesting additional depositions and/or time upon a showing of good cause. They also agree that all fact and expert discovery should be instituted so that it is completed on or before July 31, 2007.

d. The parties agree that Claimant should identify and serve initial expert reports for his experts on or before August 31, 2007 with the Trustee to identify and serve initial reports for its experts, if any, by September 30, 2007. Expert discovery shall be instituted so that it is completed on or before October 31, 2007. The parties further agree that expert depositions should be permitted of all identified testifying experts, including any treating physicians or medical experts, subject to the limits noted above. The parties do not believe that any less costly or less time consuming methods are available to obtain the necessary information.

#### **IX. ESTIMATED TRIAL LENGTH**

The parties believe that the hearing in this matter will last approximately one-half a day.

#### **X. JURY TRIAL**

No jury trial has been requested and the parties agree that there is no right to a jury trial in an estimation proceeding conducted pursuant to 11 U.S.C. § 502(c).

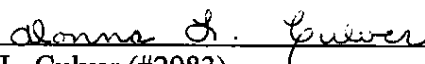
#### **XI. SETTLEMENT**

The parties have engaged in preliminary settlement discussions but no agreement has been reached. The parties believe that this matter might be properly referred to the United States Magistrate for the purpose of exploring the possibility of a settlement.

## **XII. STATEMENT OF CONFERENCE**

Counsel for the Trustee and Claimant have conferred regarding each of the above matters, except that counsel for Claimant has declined to execute this Joint Status Report as he is not admitted in the State of Delaware and Claimant has not been able to retain Delaware counsel with respect to his matter.

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April 25, 2007

**CERTIFICATE OF SERVICE**

I, Donna L. Culver, certify that I am not less than 18 years of age, and that service of the foregoing **Joint Status Report Regarding Claim Of John Giordano** was caused to be made on April 25, 2007, in the manner indicated upon the parties identified on the attached service list.

Date: April 25, 2007

/s/ Donna L. Culver

Donna L. Culver (#2983)

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